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HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/135,154      08/17/98      HAMILTON      T      CLB5-B73

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LM02/0531

EXAMINER

HORNSBY III, A

ART UNIT

PAPER NUMBER

2735

2

DATE MAILED: 05/31/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/135,154

Applicant(s)

HAMILTON, T. ALLAN

Examiner

Alton Hornsby III

Art Unit

2735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 1998.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohler (U.S. 5,115,236).

4. Regarding claims 1, 9, and 15, Kohler teaches a device (Fig. 2) for reducing power consumption in infrared-enabled appliances having power supply means and transceiver system means forming a circuit including switch means (Col. 1, lines 7-28 and Col. 2, lines 30-54), comprising: a discovery or (wake-up) signal receiver (RC receiver in Fig. 2) and power actuator module (control voltage output 41 in Fig. 2), said module configured to recognize incident Ir discovery signals and responsively activate said switch means (Col. 3, lines 53-68 through Col. 5, lines 1-22).

5. Regarding claim 2, Kohler teaches an infrared receiver (Fig. 2) and discovery signal detection circuitry configured to recognize infrared discovery signals incident to said receiver and emit a power-up signal to said switch means (Fig. 2; Col. 4, lines 28-56).

6. Regarding claim 3, Kohler teaches a discovery signal receiver and power actuator module which consumes several micro-amperes (Col. 4, lines 33-35).

7. Regarding claim 4, Kohler teaches that the power-up (message) signal can be instigated by user input (keyboard 8 in Fig. 3) via the transmitter portion of the transceiver system (Col. 5, lines 30-48).

8. Regarding claims 5 and 6, Kohler teaches that the switch means defines an open condition in which electrical power to the transceiver system is interrupted, and a closed condition in which electrical power is supplied to the transceiver system, said closed condition being activated upon receipt of the power-up signal (Fig. 2 and Col. 2, lines 44-54).

9. Claim 7 is rejected based on the rationale discussed in paragraph 6, supra.

10. Regarding claim 8, the discovery signal in the transceiver system of Kohler would necessarily have to be a 9600 baud infrared signal as evidenced by the Infrared Data

Association's (IrDA) Serial Link Infrared Access Protocol (IrLAP) specification which teaches that discovery requests are at a data rate of 9600 (See chart on page 94). Thus, the 9600 baud rate for the discovery signal would be inherent in the operation of the Kohler system.

11. Claims 10-14 and 16-20 are rejected based on the rationale discussed in paragraphs 4-7, supra.

### **Conclusion**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton Hornsby III whose telephone number is (703)305-7444. The examiner can normally be reached on M-F (8:30 A.M.-6:00 P.M.) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703)305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3988 for regular communications and (703)305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Alton Hornsby III  
Assistant Examiner  
Art Unit 2735

ah  
May 24, 2000

MICHAEL HORNBIK  
SUPERVISORY PATENT EXAMINER  
GROUP 2700

A handwritten signature in black ink, appearing to read "Michael Hornbik", written in a cursive style.